

#9  
NLW  
5-2-03

001/019

Docket Number: 60,130-1298

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application: Spurr  
Serial No.: 10/022,674  
Filed: December 20, 2001  
Examiner: Lugo, Carlos  
Group Art Unit: 3677  
For: Latch Arrangement

FAX RECEIVED

MAY 16 2003

GROUP 3600

Official

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Although Applicant has yet to receive a Notice of Abandonment, Applicant understands that this application is presently seen as abandoned within the eyes of the Patent and Trademark Office. In late April, Examiner Lugo telephoned Applicant's representative and indicated that no response to an Office Action mailed last October had yet been received. In fact, a response was filed.

An initial response was filed by facsimile on February 27, 2003. This response was sent with a one month extension of time. A copy of the facsimile transmission receipt is attached also indicating that it was received at the Patent and Trademark Office. Unfortunately, the identifying information in the header of this response was incorrect.

Apparently, the incorrect information resulted in the response never being matched with the file. Thus, Examiner Lugo telephoned Applicant's representative on April 30, 2003. Applicant then resent the original response by facsimile. A copy of the facsimile transmission receipt is also attached. Note, this receipt and the cover sheet for the facsimile identified the application by its proper serial number.

In view of the above, Applicant submits that a timely response was filed and that the holding of Abandonment was improper. On the other hand, should the Patent Office hold that the holding of Abandonment was not improper, then Applicant submits the Abandonment was unintentional. Applicant hereby petitions to have this application ~~revived as having been unintentionally abandoned. Notably, any delay until the filing of~~ this petition was also unintentional. Fees in the amount of \$1,300 may be charged to deposit account number 50-1482 in the name of Carlson, Gaskey & Olds in the event that the Patent Office deems the request for holding of Abandonment should not be granted.

08/12/2003 AKELLEY 00000017 501482 10022674  
01 FC:1453 1300.00 DA

*Docket Number: 60,130-1298*

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.

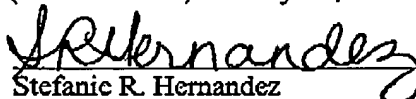


John M. Siragusa  
Registration No. 46,174  
400 W. Maple, Suite 350  
Birmingham, Michigan 48009  
(248) 988-8360

Dated: May 13, 2003

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (703 872-9327) on May 13, 2003.



Stefanie R. Hernandez

Official

## **Appendix 1**

02/27/03 13:58:00

USPTO-&gt;

2489888363 RightFAX

Page 001

TO:Auto-reply fax to 1489888363 COMPANY:

**Auto-Reply Facsimile Transmission**
**UNITED STATES  
PATENT AND  
TRADEMARK OFFICE**

TO:

Fax Sender at 2489888363

Fax Information

Date Received:

Total Pages:

2/27/03 1:33:26 PM [Eastern Standard Time]

12 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

 Received  
Cover  
Page  
=====>

02/27/2003 THU 14:20 FAX 2489888363 CARLSON,GASKEY,OLDS020000

0001/013

**CARLSON, GASKEY & OLDS, P.C.****FACSIMILE COVER PAGE**

Date:	February 27, 2003	Time:	10:06 AM
To:	Examiner Rodriguez, P. United States Patent Office	For Information Call:	John M. Siragusa (248) 988-8363
Fax Number:	703 872-8326	AC:	Carlson, Gaskey & Olds
From:	John M. Siragusa	Fax Number:	(248) 988-8363
Pages (including cover page):	12	Client Billing Number:	60,130-1298

 400 West Maple, Suite 350  
Birmingham, MI 48009

Received from &lt; 2489888363 &gt; at 2/27/03 1:33:26 PM [Eastern Standard Time]

## **Appendix 2**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

Carlson, Gaskey & Olds, P.C.  
400 West Maple Road  
Suite 350  
Birmingham, MI 48009

MAILED

JUL 24 2003

Office of the Director  
Group 3600

In re Application of  
Nigel Victor Spurr et al.  
Application No. 10/022,674  
Filed: December 20, 2001  
For: LATCH ARRANGEMENT

DECISION ON PETITION  
TO WITHDRAW THE  
HOLDING OF ABANDONMENT

This is in response to applicants' petition to withdraw the holding of abandonment, filed in the United States Patent and Trademark Office on May 16, 2003.

The petition is **DISMISSED**.

A review of the file record indicates that an Office action was mailed on October 29, 2002. Since no timely response to the October 29, 2002 Office action was received before the expiration of the six month statutory period for response, the application was held to be abandoned, although a Notice of Abandonment has yet been mailed.

Applicants' petition includes a copy of a response and includes a USPTO facsimile return receipt bearing a transmittal date of February 27, 2003. However, the received cover page contained on the return receipt fails to indicate the contents of the facsimile, thus there is nothing to "tie-in" the response to the USPTO facsimile return receipt. It is also noted that the copy of the response includes a certificate of transmission contained on a separate sheet. MPEP 512 states "[w]hen the certification is presented on a separate sheet, that sheet must ... fully identify ... the paper it accompanies. The required identification should include ... the type of paper being filed, e.g., reply to rejection or refusal, Notice of Appeal, etc. Moreover, without the proper identifying data, a certification presented on a separate sheet will not be considered acceptable if there is any question or doubt concerning the connection between the sheet and the paper filed." Since, the certification fails to fully identify the response, there is nothing to "tie-in" the response to the certification. Thus, the certification is unacceptable.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.181."

Telephone inquiries relative to this decision should be directed to Special Programs Examiner Steven Meyers at (703) 308-3868.

The application is being forwarded to the Office of Petitions for consideration as a Petition for Revival under 37 CFR 1.137(b). Any questions concerning the petition to revive should be directed to the staff in the Petitions Office at (703) 305-9285.



---

Steven N. Meyers, Special Programs Examiner  
Patent Technology Center 3600  
Telephone No.: (703) 308-3868  
Facsimile No.: (703) 605-0586

SNM/tpl: 7/10/03